

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

DONALD JAMES ANSON,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

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07-CV-00035

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RESPONSE TO PLAINTIFF'S MOTION TO COMPEL AN ANSWER
TO PLAINTIFF'S INTERROGATORIES (DOCKET #77)

PLEASE TAKE NOTICE that the defendant, William J. Hochul, Jr., United States Attorney, by Kevin D. Robinson, Assistant United States Attorney in the Western District of New York, objects to the plaintiff's request for an order compelling the defendant to answer the plaintiff's interrogatories (Docket #77).

On August 5, 2010, the Government mailed to the plaintiff a response to his interrogatories. The Interrogatories were dated December 8, 2009, and addressed to Deputy US Marshal Pfhol. The Government believed its response to be sufficient, and reaffirmed that, Deputy Pfhol was not present during the alleged incident involving the plaintiff. The plaintiff, in return, filed this current motion and alleged that the Government failed to adequately respond to his interrogatories. In order to clarify its response, the Government submitted an additional response on August 30, 2010.

On August 26, 2010, the Government mailed to the plaintiff a response to interrogatories that were dated December 8, 2009, and addressed to a Buffalo Federal Detention Center Representative. Todd Tryon, Supervisor of Detention and Deportation Officer and Assistant Officer In Charge with Immigration and Customs Enforcement (ICE) at the Buffalo Detention Facility, provided the responses to the plaintiff's interrogatories.

Based upon the foregoing, the plaintiff's motion is moot, and therefore the Government is asking the court to dismiss this motion.

DATED: Buffalo, New York, September 9, 2010.

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